

**INCONSISTENT TESTIMONY
IN RELATION TO TESTIMONY GIVEN BY SAMUEL ROSEN**

ROSEN TESTIMONY before Judge Baird on 3/29/02	YINGLING TESTIMONY before Judge Schaeffer - 6/11-12/02	MINTON TESTIMONY before Judge Schaeffer - 5/17-30/02	BROOKS TESTIMONY before Judge Schaeffer - 5/3-17/02
<p>Q: Did you relate to Mr Howie that your client was not interested in settling with him in this case with Judge Baird, that your client was only interested in a global settlement? A: Absolutely not. (129:15)</p>	<p>A: And our goal... if we were to reach a settlement, that there would be a complete disengagement between the parties (12:24)</p>	<p>Subsequently, I authorized Mr. Howie to go ahead and do that. He made a call to Mr. Pope. Two days later, Mr. Pope and Mr. Rosen called back & suggested that number one, "We're not interested talking about any sort of piecemeal settlements on some specific case, you know, if you want to - if Minton wants to talk about global settlement, by all means, we're willing to sit down to do that." (1160:15-23)</p> <p>Q:... You believed, based upon your meeting with him in New York City a week before that you had to go in there and, quote, set the record straight before they would even consider talking about a global settlement, correct? ... A: Yeah, that's correct (1531:12-24)</p>	<p>A: I knew that when Mr. Howie approached Wally Pope to settle that case, that what he would get back from Wally Pope was going to be, "We're not interested in settling one case, we want a global settlement with Mr. Minton."so Bruce Howie did call Wally Pope. Wally Pope did come back with the answer that I expected he would; that Scientology was not willing to settle one case, they wanted a global settlement. (23:06-23)</p>
<p>Q: Isn't it true on Friday, March 29th, you told Mr. Minton that if he wanted disengagement, he would have to meet the demands that were placed on him by Mr. Rinder by April 9th the following Friday? A: Sir, there weren't any demands placed by Rinder ever presented, so I don't know what you are talking about. (151:15-21)</p>	<p>A: if... Mr. Minton wanted the discovery to go away, well, then there would have to be some resolution of this case before the discovery-- the next discovery date, whenever that was.. (215:03)</p>		

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<p>Q: Isn't it true, sir, that Mr. Minton was told by either you or Mr. Rinder that he had to stop funding the wrongful death case of Lisa McPherson before Scientology would consider disengagement of him? A: No sir. (145:11-15)</p> <p>Q: --there was never a demand made to Mr. Minton on behalf of the Church of Scientology that before there would be disengagement, he had to stop funding the wrongful death case? A: To the contrary. (146:07-11)</p>	<p>Q: Now specifically under the Wrongful Death, ...when you say no money or other support... A: Yes, that is what Mr. Jonas said that they would have no problem doing. (64:05-13)</p>	<p>Q: ... Your funding this, you're lending money to this lawyer, funding this lawsuit, the Lisa McPherson. They wanted you to stop, right A: Well--- Q: That's what you said in your deposition. A: Yes (969:19-970:01)</p> <p>Q: And part of that settlement, quote, unquote, settlement discussions, were to have you stop providing money to these litigants, correct? A: Litigants and others. Q: Including the Lisa McPherson case? A: To the best of my knowledge, yes. (965:03-07)</p>	
<p>Q: Isn't it true, sir, that Mr. Rinder told Mr. Minton that the Lisa McPherson Trust Web site and any domain names that has her name on it, Lisa McPherson, would have to be taken off of the Internet before the Church of Scientology would consider disengagement from Minton? A: To the contrary. (141:05-10)</p>	<p>A: The third area that Mr. Rinder mentioned was the question of the Lisa McPherson Trust. And that it needed to be dissolved or done away with or--or whatever. And I understood that there was a website, also that the trust had. And that the Church would also want that to -- to go away. (15:16-21)</p>		
<p>Q: And were these figures given to him as a measure of damages for a future RICO suit to be filed against Mr. Minton. A: There was no future RICO suit to be filed against Mr. Minton. (135:22)</p> <p>Q: Did you tell Mr. Minton at that meeting that you were preparing a RICO suit to file against him as soon as the church won the wrongful death case in Lisa McPherson? A: No. (135:24-136:2)</p>	<p>Q: Now, Mr. Rosen, in addition to saying he spent \$40,000 on research and other things, he also said to Mr. Minton that the RICO suit will be filed when the wrongful death case is won. Right? A: Mmm, that -- is what is reflected in -- in the notes. (218:01)</p> <p>Yingling's type notes: "SR - now preparing RICO case which will encompass all damages above." (p5)</p>		<p>Q: Did Mr. Rosen mention anything about a racketeering lawsuit? A: Mmm, he said something like, "You know, Mr. Minton, when you put this whole picture together, it certainly might make grounds for a RICO case against you." (558:13-17)</p> <p>Q: ..and apparently there was a large stack of paper represented to be a racketeering lawsuit shown to Mr. Minto or yourself at that time? ...A: He may have held something up and said this was a draft. (563:03-22)</p>

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<p>Q: Isn't it true that Mr. Rinder told Mr. Minton ...that Mr Minton first had to make the Lisa McPherson wrongful death case and the Larry Wollersheim case in California go away. A: Absolutely not. Never said that. (140:08)</p>	<p>A: He (MR) said that all outstanding litigation that ...Mr. Minton was involved in would have to go away. And he said specifically the cases down here in Florida I believe that he referred specifically to the Lawrence Wollersheim matter. (13:21-14:03)</p> <p>A: Our position that in order to have a complete disengagement and in order to reach a settlement, that all of the litigation had to go away. And particularly the cases down here in Florida. (30:10-14)</p> <p>A: The desire to have all the cases go away was mutual (69:05)</p> <p>A: And this was the continuous theme throughout the meeting, about the -- the reason that all the litigation would have to go away. Because if all of the litigation did not go away, there would not be a complete disengagement between the parties (188:18-22)</p> <p>(at 3/28 meeting)</p> <p>A: MR said that all outstanding litigation that involved BM needed to go away in order to have a complete disengagement between the parties. As part of that general statement, he included all of the cases in Florida (157:18-22)</p> <p>Q: And -and making cases going away the Wollersheim case was included in this list, correct? A: Yes, it was one of the cases talked about. (166:07-10)</p>		

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<p>Q: Isn't it true, sir, that Mr. Rinder told Mr. Minton that the declarations and affidavits of Jesse Prince, Stacy Brooks and Vaughn Young would have to be withdrawn in the McPherson case and the Wollersheim case before the Church of Scientology would consider disengagement from Mr. Minton?</p> <p>A: Absolutely not. (140:23-141:03)</p> <p>A: And what Mr. Rinder said -- and he wasn't talking about any particular affidavit. He never mentioned any particular affidavit at all. (157:10-12)</p>	<p>A: Specific witnesses that were mentioned who provided affidavits including Stacy Brooks, Vaughn Young and Jesse Prince ... That there would have to be some resolution of the affidavits that they had filed (14:18-15:02)</p> <p>A: [from Yingling's typed notes on Meeting] Mike Rinder list... No.2, "Declarations and affidavits, Jesse, Stacy, Vaughn, in order to not have been used in the future. (56:09-14)</p> <p>A: [from Yingling's typed notes]: no willingness to correct outstanding affidavits [comment from Jonas] (191:06-15)</p> <p>A: We were all in agreement if we were going to have complete disengagement, all of the litigation would have to stop (26:22)</p>	<p>Q: Is your answer to my question yes or no, that part of your negotiations with the COS that was going on there required Ms. Brooks to try to get that affidavit [from the Wollersheim case] withdrawn?</p> <p>A: Yes. (1002:03-16)</p> <p>A: Mr. Rinder talked about how setting the record straight in Florida was a precondition to getting into negotiations (138:04-05)</p> <p>A: Mr. Rinder stated at one point that, "We think that if you set the record straight in the Florida cases, the case, the wrongful death case will be dismissed. (139:1:16)</p> <p>(4/11 letter from Jonas to KD) "We did speak on March 29th, 2002 an I did tell you that Scientology had made certain demands .. toward Mr. Minton. One of them was their request that Mr. Minton bring about a dismissal of the Lisa McPherson wrongful death case." C: Is that a true statement by your attorney? A: It's not quite true. I mean, its true... (1422:14-20)</p>	<p>COURT: Did you attempt to withdraw your declaration in the Larry Wollersheim case around the same time that the discussions were occurring with the defendant, the Church, in this case?</p> <p>WITNESS: Yes, your Honor (1044:21-25)</p> <p>COURT: you weren't trying to withdraw it because it was false; you were trying to withdraw it because you didn't want to be filing affidavits against the church and trying to settle at the same time?</p> <p>WITNESS: Yes, your Honor. (1046:24-1047:04)</p> <p>A: then they (Rosen, et al) cam back and Mr. Rosen said --mmm, we aren't going to continue anything. We're not in settlement discussions with you right now. We aren't going to give you any kind of concession until you deal with the wrongful death case. (579:09-13)</p> <p>A: ...And Mr. Rosen said "We aren't willing to begin any kind of settlement discussions or give you any concessions in any way until you have dealt with the matters involving the wrongful death case. (586:24-587:02)</p>

<p align="center">SAMUEL ROSEN'S TESTIMONY before Judge Baird</p>	<p align="center">DELL LIEBREICH'S TESTIMONY Depo of 1/11/01 taken in RTC v Liebreich</p>
<p>ROSEN: I told Mr. Minton that Ms. Liebreich had testified in that case [RTC] in deposition that she expected Mr. Minton to pay any judgment that was entered against her or against the estate and that she expected Mr. Minton to pay the expenses -- costs, if you will-- that were awarded or would be awarded against her in favor of RTC (142:19-25)</p>	<p>ROSEN: Did you also expect that if you lost and money damages were awarded, that you would have to pay those? LIEBREICH: Oh, I probably thought that, yes. ROSEN: I mean, you didn't think that somebody else was going to pay it for you? LIEBREICH: No. (107:20-108:01)</p>
<p align="center">SAMUEL ROSEN'S TESTIMONY before Judge Baird</p>	<p align="center">TRANSCRIPT OF WOLLERSHEIM V CHURCH OF SCIENTOLOGY OF CALIFORNIA</p>
<p>Q: Isn't it true, sir, that you used the recantation affidavit of Stacy Brooks in the Wollersheim case in California in an attempt to get Mr. Leipold, the attorney representing Mr. Wollersheim, disqualified from the case? A: Sir, I don't know what you are talking about, I really don't (154:14)</p>	<p>Atty Drescher (representing the Church of Scientology) introduces not only the Brooks Recanting affidavit on p2 with Atty. Rosen in attendance. but Rosen produces a certified copy of the transcript of the Schaeffer hearing (p28) and then Atty. Drescher quotes from the affidavit beginning on p43.</p>
<p align="center">SAMUEL ROSEN'S TESTIMONY IN WOLLERSHEIM V COS OF CALIF</p>	<p align="center">TRUE FACTS</p>
<p>ROSEN: The great irony here is that co-counsel for Plaintiff in Florida is none other than Mr. Leipold. ((6:26-27)</p>	<p>Mr Leipold is not and never has been co-counsel for the Plaintiff in Florida.</p>
<p>ROSEN: This testimony of May 3rd [in Fla] -- and it's continuing today -- is being given in a proceeding which Mr. Leipold is counsel (20:26-28)</p>	<p>Mr. Leipold is not counsel to any party in the Florida cases</p>

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<p>ROSEN: Mr. Leipold had the opportunity to cross-examine</p> <p>COURT: What do you mean that Mr. Leipold has had the opportunity to cross-examine?</p> <p>ROSEN: He's of counsel to the Plaintiff in the [Fla.] case Judge. He is an attorney who appeared for the Estate of Ms. McPherson in this very case in which the testimony is being given.</p> <p>COURT: I don't see him on the appearances on this transcript that you provided me.</p> <p>ROSEN: No. He wasn't physically in court on Friday. He was --</p> <p>COURT: Who was he supposedly an attorney for?</p> <p>ROSEN: For the Plaintiff. He was of counsel to the Plaintiff, the Estate of Lisa McPherson. (23:16-24:02)</p>	<p>Mr. Leipold is not of counsel for the Plaintiff and never has been.</p>
<p>COURT: I had the impression that you were telling me that somehow he [Leipold] had participated when this lady testified and, therefore, he had the opportunity for cross-examination</p> <p>ROSEN: No sir. Let me say it this way. His entire -- His participation last week in the proceeding in Florida is as a witness participating by telephone. That 's No. 1.</p> <p>COURT: But he did not have the opportunity to --</p> <p>ROSEN: Yes, he did, for one reason. He had an opportunity to cross-examine. (26:10-21)</p>	<p>Mr. Leipold participated by telephone as a fact witness called by the Plaintiff. He did not participate in any other capacity nor as a fact witness could he have any opportunity to cross-examine Ms. Brooks</p>
<p>ROSEN: You can't appear for any given purpose in Florida. You're in or you're out.</p> <p>COURT: I don't know that. If he was appearing as counsel to cross-examine a particular expert witness.</p> <p>ROSEN: You can't do that in Florida. (27:18-23)</p>	<p>Mr. Leipold has never made an appearance in Florida as counsel for the Estate of Lisa McPherson</p>
<p>ROSEN: In order to get that testimony in before you, I must give you, A. a certified copy of the transcript and B, evidence that Mr. Leipold appeared for the Plaintiff, not for any special purpose like your Honor just described in the O.J. case, but a general appearance for the Plaintiff in the case.</p> <p>COURT: And that he was at the pertinent times--</p> <p>ROSEN: And he has not withdrawn it.</p> <p>COURT:I think you're telling me he's still counsel...</p> <p>ROSEN : I'm not sure if he withdrew or not. (28:18-03)</p>	<p>As Mr. Leipold has <u>never</u> been counsel for the Estate of McPherson.</p>

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<p>ROSEN: When the judge saw this affidavit and that this is an action the McPherson case is scheduled for trial -- when the judge saw that, she said I'm going to hold a hearing on this for Terminating Sanctions, because of this affidavit is true and all this testimony has been manufactured or bought, I'm going to consider Terminating Sanctions against the Plaintiff. (6:18-15)</p>	<p>(After Judge Schaeffer received Motion and Response to the Motion for Terminating Sanctions) : COURT: I have some very serious allegations against the Plaintiff and the response. I have some serious allegations made against members of the bar. And I by no means take those allegations lightly. I have persons who have committed perjury in my court. I am going to deal with that at the appropriate time. ...but those are serious allegations. I take them seriously. (May 2, 2002, 4:11-24)</p>
<p>SEE ATTACHED TRANSCRIPT FOR WOLLERSHEIM TESTIMONY</p>	